

## CLASSIFICATION OFFICE DECISION

**Title of publication:** DSCF0029.mov

**Other known title(s):** Not stated

**OFLC ref:** 1300826.000

**Medium:** Computer Moving Image File

**Distributor:** Not applicable

**Country of origin:** New Zealand

**Language:** Not applicable

**Applicant:** Commissioner of Police

<b>Classification:</b>	Objectionable except if the availability of the publication is restricted to the two individuals depicted in this publication.
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**Excisions:** No excisions recommended

**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 04 October 2013

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** 04 October 2013

	Components	Running time
<b>Timed component(s):</b>	filedscf0029	0:22
<b>Total running time:</b>		0:22

### Summary of reasons for decision:

This computer moving image file is a private recording of two consenting and mature adults engaging in the erotic practice of BDSM (bondage and discipline/sadism and masochism). Taken out of context the material is strong and startling, and the violent undertones would shock and highly disturb those with limited or no knowledge or understanding of such sexual activity. This

clip and another of a similar nature have been submitted for classification by the New Zealand Police.

Contextualising information and the written submission by the owner supports a reading of the publication not promoting or supporting or tending to promote or support extreme violence or torture, or sexual violence. However, there is the potential for considerable injury and harm if this material were to be made available to a wider audience, even of adults. The potential for misinterpreting the consensual sexual activity as non-consensual sexual violence is high. The owner has stated clearly in his submission this material was intended for the use of the participants only. The depictions of sexual activity in this clip and the rights of the participants have been weighed against the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act. In this instance, it is reasonable and justified and in accordance with the law to restrict the material to the participants alone. This limitation on the publication's availability is the minimum restriction that can be applied in order to prevent likely injury to the public good.